

## Aberystwyth University

“Listen to me, his behaviour is erratic and I’m really worried for our safety...”

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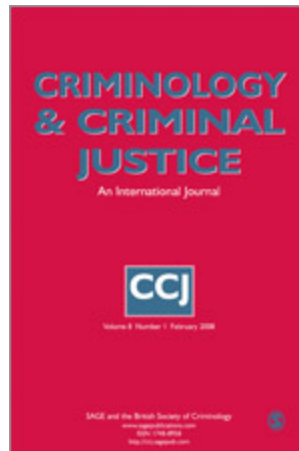
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**“Listen to me, his behaviour is erratic and I’m really worried for our safety...”: Help-seeking in the context of coercive control.**

Journal:	<i>Criminology &amp; Criminal Justice</i>
Manuscript ID	CCJ-18-0137.R3
Manuscript Type:	Standard Article
Keywords:	domestic abuse, coercive control, police, criminal justice, non-feasance, intimate partner abuse
Abstract:	<p>This article explores 12 female victim-survivors’ experiences of seeking protection from criminal justice agencies in Dyfed-Powys, an area in Wales. The discussion draws on rich qualitative data, from a series of narrative interviews held in 2015, which offers new insights into how coercive and controlling behaviours influence ‘help-seeking’. The findings suggest that for 12 women, deemed to be high-risk, the experience of actively engaging with criminal justice agencies, served to instil in them a sense that they were alone at the most dangerous period in their help-seeking journey, namely the juncture of leaving, without formal protection. Under-enforcement by justice agents resulted in what Stubbs (2016) terms ‘non-feasance’: a process whereby women are unable to access protection from the law, thus potentially increasing the propensity for lethal violence.</p>

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Reviewer 1 comments:	Revised changes
There is a quote on page 16 that is incomplete or perhaps just spaced out inappropriately which has resulted in a gap.	The spacing was out. This has been corrected and we have also added " <i>And the first opportunity that the police officer came in [to our home], she didn't like us and didn't listen to us.</i> "
Reviewer 2 comments:	Revised changes
In response to the reviewer's comment that p.24 line 7 didn't quite capture Stubbs' argument, the author has removed Stubbs from the conclusion. However, Stubbs' concept of non-feasance is still discussed but not attributed to her (p.25, last para) I recommend that Stubbs is included since her work appears central to the paper's argument (and is highlighted in the abstract). Rather than remove Stubbs from the conclusion, work should be undertaken to ensure that her argument is captured appropriately and referenced.	The authors agree with the comments made by the reviewer and added a more considered reflection of the findings, discussing how it feeds into what Stubbs describes as 'non-feasance'. See pages 26 & 27.
We would not normally expect to see in-text citations in an abstract (unless referring to a particular concept perhaps).	We have removed the in-text citations to SafeLives (2014) and Abrahams (1994) in the abstract as they are reference in the main paper. However, given the article looks at Stubbs' concept of non-feasance, we felt it was necessary for the reference to Stubbs to remain.

*“Listen to me, his behaviour is erratic and I’m really worried for our safety...”* Help-seeking in the context of coercive control

Abstract

This article explores 12 female victim-survivors’ experiences of seeking protection from criminal justice agencies in Dyfed-Powys, an area in Wales. The discussion draws on rich qualitative data, from a series of narrative interviews held in 2015, which offers new insights into how coercive and controlling behaviours influence ‘help-seeking’. The findings suggest that for 12 women, deemed to be high risk, the experience of actively engaging with criminal justice agencies, served to instil in them a sense that they were alone at the most dangerous period in their help-seeking journey, namely the juncture of leaving, without formal protection. Under-enforcement by justice agents resulted in what Stubbs (2016) terms ‘non-feasance’: a process whereby women are unable to access protection from the law, thus potentially increasing the propensity for lethal violence.

Since 1998, there have been significant developments in the United Kingdom Government’s approach to tackling domestic abuse, for example, strategy documents have emphasised the need for greater protection and perpetrator accountability and encouraged victim-survivors to engage with a criminal justice response to domestic abuse (Home Office, 2007). Our research in Dyfed-Powys highlights that despite the plethora of empirically-informed guidance and training provision, criminal justice practitioners still appear to have a limited understanding about coercive and controlling behaviours and the increased levels of

dangerousness associated with leaving a perpetrator (Campbell, 1995). Although our research was undertaken prior to the introduction of section 76 of the Serious Crimes Act 2015, which made controlling or coercive behaviour a discrete offence, it shows how the failure of criminal justice practitioners to respond appropriately to a pattern of coercive or controlling behaviours by perpetrators can have a negative impact on women's help-seeking. As noted above, given the information available in criminal justice policies and practice prior to the new legislation, the narratives from this research suggest that it is unlikely that the introduction of section 76 will increase opportunities for legal protection in Dyfed-Powys, given significant shortcomings in how criminal justice agencies understand domestic abuse. Whilst the findings may not be indicative of criminal justice professionals' behaviour in other parts of the United Kingdom, the data suggest that there is a need for a transformative response to domestic abuse by criminal justice agencies, particularly the police, if they are to fulfil their obligations to hold perpetrators accountable and protect women and children.

### Doing justice differently?

Developments over the last two decades have led to a paradigm shift towards 'doing justice' differently, with an increasing emphasis being placed on the needs and rights of victims (College of Policing, 2016; Ministry of Justice, 2015; Moffat, 2017). In the context of domestic abuse, meanings of justice are complex, and victim-survivors do not have a shared universal perception of what justice is. Holder and Daly (2017) describe how, when victim-survivors access the criminal justice system, they have a 'trilogy of justice interests' with multiple aims and motivations for themselves, the perpetrator, and their community (p. 6).

For victim-survivors, 'justice goals' unfold and re-order as they engage, in varying degrees, with the criminal justice process.

Many victim-survivors' expectations of help-seeking, which may include 'justice-seeking' are rooted in ideas of being treated fairly at every stage in the process (Tyler and Huo, 2002). As Walgrave (2011) observes, it is through the process of seeking justice that victim's sense of justice. Improving victim-survivors' experiences of the justice system, from when they report a crime through to their appearance in the courts is crucial, as individual perceptions of justice processes are more positive when issues of procedural justice are effectively attended to, irrespective of the final outcome (Cataneo and Goodman, 2010; Thibaut and Walker, 1975). Indeed, as Tyler (2006) notes, 'Procedural justice focusses on the subjective sense of being treated fairly with respect and equity, being taken seriously and listened to by authorities' (p. 308).

Typically, when people choose to engage with the criminal justice system, it is often to report a one-off incident, consequently, victims are unlikely to feel at risk of re-victimisation by the same offender. In contrast, for victim-survivors of domestic abuse, the point of disclosure to formal agencies actually increases the risk of significant harm by perpetrators, as disclosure is likely to result in further victimisation (Abrahams, 2007).

Given the heightened need for protection when women leave male perpetrators, criminal justice agents need to prioritise safety. As Lewis et al. (2000) suggest women are aware that the confined space in which they seek help is a highly unsafe, rapidly changing environment. As perpetrators place temporal and situational constraints on victim-survivors, it is vital that the response provided by criminal justice agencies is sensitive to the dynamics within which women operate when attempting to seek protection.

The findings from the analysis of the 12 narratives provide a deeper insight into the complexity of relationship dynamics, and thereby enriches our understanding of how coercive and controlling behaviour acts as a barrier to women's help-seeking. The research also highlights the extent to which criminal justice professionals, particularly the police, address issues of safety when they respond to direct requests for help. Furthermore, the narratives indicate these professionals may have a limited understanding about the constraints that exist for female victim-survivors whilst help-seeking in this context.

## Domestic abuse, coercive control and disclosure to criminal justice professionals

According to the World Health Organisation (2012), domestic abuse is a gendered crime where women are more likely to be victims and men are more likely to be perpetrators, particularly when the abuse involves coercive and controlling behaviours (Myhill, 2015). The Home Office (2013) provide a cross-government definition of domestic abuse as, 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality' (p. 1). Whilst this definition is not without its limitations (Groves and Thomas, 2013), the inclusion of the term 'coercive and controlling' behaviour signifies a potential shift in how domestic abuse is conceptualised.

Following a series of consultations, official Home Office discourse has been transformed, reflecting a move away from the use of the term 'domestic violence', which focusses on the physical aspect of the experience (Home Office, 1990), to the much broader phrase 'domestic violence and abuse' (Home Office, 2013). Incorporating the term 'abuse'



acknowledges the non-physical aspects of the experience and represents a potential step forward in influencing the effectiveness of frontline responses. Coercive and controlling behaviour is now a crime under section 76 of the Serious Crime Act 2015, and some feminist activists perceive this as a landmark in increasing the potential to transform the criminal justice response to victim-survivors (Women's Aid, 2015). The impetus for change has continued with the Home Office now using the term 'domestic abuse' to reflect that victimisation is 'almost always part of an ongoing pattern of behaviour' (Home Office, 2018, p. 12) and the term serves to refocus the relevance of coercive control within the context of domestic abuse.

### ***Domestic abuse as a pattern, not a single incident***

In the last three decades, the effectiveness with which criminal justice agencies, particularly the police, respond to domestic abuse has been questioned (HMIC, 2014, 2015; Paladin et al., 2014; Women's National Commission, 1985). As far back as 1998, Home Office documentation referred to domestic abuse as a 'pattern of abusive and controlling behaviour which tends to get worse over time' (Home Office, 1998, p. 4), yet despite this recognition, little appears to have changed in practice. For example, research by Robinson et al. (2016) suggest that the police still continue to adopt a 'single incident approach' rather than examining chronological patterns of abuse, despite the fact that non-physical forms of abuse and repeat victimisation have been key indicators on various police risk assessment tools since 1998.

As noted by Laing et al. (2013), domestic abuse has traditionally been socio-legally conceptualised as a discrete incident of physical abuse. This has led to a simplified

understanding of women's experiences and a lack of appreciation of the complexities of the relationship dynamics. Legislation has been criticised for failing to capture the conduct and harm that were associated with coercive control. Bettinson and Bishop (2015) argue that the legislative framework created a 'hierarchy of harms' that prioritised physical forms of violence that did not always correspond with the harm experienced by victim-survivors. Thus, in the pursuit of a criminal justice response, women who experienced non-physical forms of abuse have not been granted adequate protection (Allen, 2013), despite coercive and controlling behaviour being recognised as a strong risk factor in cases of domestic homicide (Home Office, 2016).

According to the College of Policing (2016), the Home Office's (2013) latest definition and the increasing awareness of the serious effect of coercive control, paved the way for a police response that takes into account patterns of abuse and non-physical incidents when responding to a disclosure of domestic abuse. Yet research undertaken by Paladin et al. (2014) examining victims' perspectives suggest, police awareness about coercive and controlling behaviours has not really improved, particularly in relation to knowledge about non-physical forms of abuse, such as threats to kill, as indicators of potential physical harm. Such findings are disappointing given the significant efforts by researchers, activists and policymakers since the 1990s to draw attention to a pattern of behaviours occurring in the context of domestic abuse.

### ***Coercive Control***

'Coercive control', as described by Stark (2007; see also Tadros, 2004), is a pattern of behaviours employed by male perpetrators to exercise ongoing control over female victims.

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Perpetrators isolate women socially and economically, whilst monitoring and controlling their activities with intensive forms of surveillance and threats of lethal harm. Consequently, women find it difficult to seek help without the perpetrator being aware and can feel trapped in a relationship with restricted access to resources (Kelly et al., 2014).

According to Towns and Adams (2016), perpetrators use male privilege, whilst deflecting blame onto victim-survivors. Over the course of the relationship, women become highly sensitive to certain cues that signal danger and continually assess strategies to remain safe (Cavanagh, 2003; Stubbs, 2002). As individual perpetrator behaviour is often unpredictable, it is difficult for women to avoid further abuse (Pitman, 2017). For women in this context, abusive and controlling behaviours are continual and often escalate over time (Hanmer et al., 1999; Kelly, 1988). While research suggests that ‘coercive control’ or coercive and controlling behaviour has a major effect on female victim-survivors’ wellbeing (Myhill, 2015; Stark, 2007), there are very few qualitative studies that explore victim-survivors’ lived experiences of coercive control when attempting to seek protection from the police and other criminal justice agents, especially within a Welsh context.

Help-seeking in the context of an increased risk of lethal violence

Holder (2001) suggests that victim-survivors’ primary reason for contacting the police and other criminal justice agents is not to pursue a criminal conviction, but to use them as a resource to stop the abuse and provide immediate protection from further harm. The criminal justice response is often perceived to be ‘a clumsy tool’ (Hoyle and Sanders, 2000) because it is unlikely to provide a solution to an ongoing pattern of domestic abuse, especially given the tactics perpetrators use to isolate victim-survivors.

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3 Compared to other violent crimes, domestic abuse has the highest rate of repeat  
4 victimisation, with seventy-three per cent of reported incidences in England and Wales  
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6 involving victims who have previously reported the abuse to the police (Home Office, 2011).  
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8 For victim-survivors, the process of seeking help is a complex journey involving multiple  
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10 attempts to safely escape an abusive partner (Anderson and Saunders, 2003). Typically,  
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12 women seek help when they feel they are no longer able to protect themselves, or their  
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14 children, from immediate (Holder, 2001) or anticipated harm (Lewis et al., 2000; Stewart et  
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16 al., 2013). Women must exercise a considerable degree of agency to keep themselves and  
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18 their families' safe during this period of heightened risk (Hoyle and Sanders, 2000).  
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26 Abrahams (1994) states that physical violence by the perpetrator intensifies and peaks  
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28 when a woman attempts to assert her independence and tries to leave the perpetrator.  
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30 Perpetrators may become hyper-vigilant as they sense a shift towards increased victim  
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32 autonomy, and threaten to increase the violence to undermine any help-seeking efforts  
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34 (Goodman et al., 2003; Ullrich, 2004). Furthermore, perpetrators can increasingly restrict  
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36 victims' movements thus limiting women's 'space for action' (Kelly, 2003). There is strong  
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38 evidence to suggest that there is an increased risk of homicide when the perpetrator feels  
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40 that they are being abandoned, either in a physical or symbolic sense, by the victim (Dodd et  
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42 al., 2004; Johnson and Hotton, 2003). In addition, domestic homicide involving intimate  
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44 partners is far more likely to involve 'collateral' homicides, i.e. murder of other family  
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46 members, especially children (Dobash and Dobash, 2015) than other forms of homicide.  
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48 Therefore, the need to protect family members from lethal harm further complicates  
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50 women's help-seeking activities.  
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As noted by Hoyle (1998), women's decision-making is highly contingent on their immediate and rapidly changing safety needs, as well as the safety and security of their children and other family members. Wiener (2017) observes that women 'do not "give in" to perpetrator demands because they are inherently weak or flawed as individuals; they obey because they are rightly fearful of the consequences if they do not' (p. 509). Thus, at the point of separation from the abusive partner, agencies may wrongly perceive women's actions as inconsistent and/or illogical because practitioners lack an understanding of the difficulties women face when decision-making in the context of coercive control.

Whilst it is estimated that just over three-quarters of victim-survivors make a disclosure of the abuse to a practitioner (Fanslow and Robinson, 2009), this initial contact rarely appears to be an empowering process, as victim-survivors often experience secondary victimisation from practitioners (Anderson and Saunders, 2003; Wemmers, 1996). According to research by SafeLives (2015), on average victim-survivors will experience fifty incidents of abuse before receiving effective help.

Inappropriate responses to disclosures leave victim-survivors more isolated, thus heightening their sense of vulnerability at a critical juncture (Elliot et al., 2014). The consequences of practitioners repeatedly invalidating women's claims of abuse can result in victim-survivors experiencing harm as a direct consequence of reporting domestic abuse (HMIC, 2014; Hoyle, 1998; Laing, 2017). The next section will highlight some of the recurrent issues with the criminal justice response prior to the criminalisation of coercive and controlling behaviour, with a particular focus on under-enforcement, gender stereotyping, and the significance of adopting a person-led response to disclosure.

## Gender discrimination and 'non-feasance'

On an international level, Stubbs (2016) states that since the 1990s, despite a plethora of legislation and guidance, little has changed for women regarding the quality of police responses. Stubbs suggests improving police practice is contingent on improving the integrity of the police. She borrows the term 'non-feasance' from Sklansky (2008) to describe how police under-enforcement can lead to victim-survivors experiencing further harm. Giving the police the freedom to exercise discretion when responding to reports of domestic abuse may lead to errors of judgement, resulting in a failure to safeguard victim-survivors. Furthermore, Natapoff (2006) suggests that, if the policing response is one of 'under-enforcement', this can be viewed as 'eroding the system of efficacy, fairness and democratic accountability' (p. 1776). Although Natapoff (2006) recognises the implications of a lack of police action, she suggests that it is important to consider under-enforcement and the role it plays in the criminal justice system and in perpetuating the social inequalities in wider society.

According to Meyer (2016), female victim-survivors often encounter gender stereotyping and victim-blaming attitudes when formally disclosing their experiences, especially if they do not conform to the characteristics of an 'ideal victim' (see Christie, 1986). In addition, Stewart et al. (2013) state that some professionals working in criminal justice settings may subconsciously give more credence to a man's account of an incident, and be sceptical of a woman's recollection of the abuse when they are making a disclosure, particularly when the perpetrator does not present as dangerous. Such gender discrimination may contribute to the relatively high attrition rate in domestic abuse cases (Stewart et al., 2013).

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Research by Taylor-Dunn (2016) shows that the attrition rate in criminal justice processes is significantly reduced when domestic abuse specialists adopt a person-led ‘empowerment approach’. This approach involves listening to women’s assessments of perpetrator actions and taking their concerns seriously. Not surprisingly, when such a person-led approach is used, women state they feel far safer. This person-led ‘empowerment model’, according to Nichols (2011), may help to challenge prejudices against women that exist within patriarchal systems. The approach however, requires professionals to recognise women as active agents capable of making their own decisions (Lehrner and Allen, 2009).

This paper documents the nature of the support, the police, and other professionals involved in the criminal justice system, provided to 12 women living in Dyfed-Powys in Wales. The article examines the degree to which the approach was person-led and how safe women felt as a consequence of making the decision to seek help. At the time of the study, a report by Her Majesty’s Inspectorate of Constabulary (HMIC) (2014) had highlighted a need to change practice by encouraging earlier recognition of coercive and controlling behaviours. For the women in this study, the exchanges they had with the police during the period of help-seeking provide insights into the extent to which such guidance was integrated into practice in Dyfed-Powys. The next section outlines the methodology and provides some background context to Dyfed-Powys.

Research methodology

*Dyfed-Powys*

Dyfed-Powys police provide a service to four counties; Carmarthenshire, Ceredigion, Powys and Pembrokeshire. The police cover the largest geographical area in England and Wales, operating in just over half (54%) the land mass of Wales (Dyfed-Powys Police and Crime Plan 2013-2018). Dyfed-Powys is a largely rural area, with a population that exceeds 515,870 people (Census, 2011). The population is largely white, with an underrepresentation of black and minority ethnic groups (2.02% of the population).

### ***Research background***

In 2015, the Police Crime Commissioner for Dyfed-Powys provided funding for this study in response to the recommendations in Her Majesty's Inspectorate of Constabulary (HMIC) 2014 report '*Everyone's business: Improving police response to domestic abuse*'. The HMIC report emphasised the need for more qualitative research when evaluating criminal justice processes and outcomes from a victim's perspective. More specifically to Dyfed-Powys, the HMIC report (2014) stated victims were receiving an inconsistent service that could deter them from reporting incidents in the future. The report also highlighted that the police needed to record incidents of domestic abuse more effectively.

### ***Study design and method***

The research employed an interpretivist methodology to gain an in-depth understanding of victim-survivors' experiences. Data collection involved a series of face-to-face narrative interviews with 12 women over a four-month period between October 2014 and January 2015. The questions examined the impact of coercive and controlling behaviours on help-seeking. The research also explored women's perceptions of safety after disclosure and the



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extent to which they felt they had been treated justly by members of the criminal justice system. The use of narrative interviews provided the women with the opportunity to share their personal accounts in their own words and encouraged them to influence the interviewing process by imposing a sequence on their lived experiences whilst making sense of the events within their own lives (Riessman, 1993).

Participants who had agreed to take part in the study were invited to enlist the support of their key worker. The research team observed the ethical guidelines developed by the British Society of Criminology (2015).

***Research sample***

The research employed a purposive sampling approach to recruiting victim-survivors, reflecting the aims of the study. Access to all the women involved in the study was via specialist domestic abuse third sector organisations. The participants varied in background characteristics, education and socio-economic status. The age range was between 18-69 years of age. The sample consisted of 11 heterosexual females and one gay woman/lesbian. Eleven of the women had children aged 16 years and under. Over the entire sample, the narratives indicated that there were 47 occasions where the women engaged with criminal justice professionals. All 12 women contacted the police, and each women experienced at least one initial police contact at the point of disclosure followed by at least one further point of police contact. Eleven women sought advice from a solicitor, and three women had contact with members of the judiciary, two were a witness for domestic abuse-related criminal offence, and one applied for an injunction, two of these women were in contact with members of the judiciary on two occasions.

Participants were risk assessed by the specialist domestic abuse third sector organisation as 'high-risk' using the Domestic Abuse, Stalking and Harassment and Honour-Based Violence Risk Identification Checklist (DASH RIC SafeLives, 2014). All the women had experienced coercive and controlling behaviours and nine had experienced physical violence. Three perpetrators were described as using their high status within the community as a mechanism to isolate the victim-survivor and deter them from seeking help. Two perpetrators in the sample had previous convictions for criminal damage (n=1) and arson (n=1). Two perpetrators misused substances and another had a chronic mental health condition. The majority of participants had attempted to leave the perpetrator on numerous occasions and 10 women experienced post-separation abuse. At the time the series of narrative interviews took place, none of the women reported experiencing ongoing abuse. The women stated that they hoped that their involvement in the research would help inform policy and practice.

### *Data analysis*

Interviews were audio-recorded and transcribed verbatim. Researchers made reflexive notes and the analysis of the data began after each interview. The transcripts were analysed to identify themes that were prominent in the data and atypical themes worthy of further investigation. The study was not without its limitations. Given the small and unrepresentative sample, it is not possible to make generalisations from the data. However, inductive qualitative research has the advantage of deepening our understanding of the women's subjective worldview and generating in-depth knowledge about the lifeworld of female victim-survivors of domestic abuse.

Findings

All 12 interviewees stated that the primary reason they sought help from the police was that they felt too unsafe to remain in the relationship. The women highlighted the complexity of decision-making in the context of coercive control. Furthermore, all victim-survivors experienced secondary victimisation, with seven women reporting that they felt the police were coercive rather than ‘person-led’ in their responses. Three key interrelated themes emerged from the analysis.

The first theme highlighted how when perpetrators became aware of criminal justice intervention, their coercive and controlling behaviour escalated, leading victim-survivors to feel increasingly vulnerable and unsafe. A second theme related to ‘non-feasance’, in that victim-survivors experienced harm resulting from under-enforcement by both the police and the courts. A final theme provided an insight into experiences of procedural justice, demonstrating how being listened to and treated with dignity and respect had a profound impact on women’s wellbeing and their sense of safety. Conversely, there were many accounts where women felt they were not listened to, this had a detrimental effect on their sense of justice and their attitude towards help-seeking.

*The impact of coercive control on help-seeking*

Women discussed at length the omnipresence of perpetrators’ coercive and controlling behaviours governing their everyday movements. The women spoke of what happened when their efforts to conceal their help-seeking activities failed and perpetrators became aware that victim-survivors had notified the police and other criminal justice agencies. The women reported how perpetrators made concerted attempts to ‘do male dominance’,

through intensifying the level of threats and promises to change, and by challenging the women's sense of agency. Interviewees described how the perpetrators 'up-scaled' the abuse, especially within the home environment, employing tactics to re-establish control, such as; sleep deprivation, threats to use firearms, food poisoning, animal cruelty and physical abuse. Perpetrators also extended their threats to other family members. The women interpreted this as a direct attempt to break down informal support structures and sabotage their help-seeking strategies. Women were unanimous that this juncture felt like the most dangerous period in the whole relationship (Goodman et al., 2003).

Women stated that they felt unused to making any decisions. For example, Heulwen, after years of repeated victimisation, including coercive and controlling behaviours, described the sense of isolation she felt when deciding to seek help. She provided an insight into her first contact with the police and her sense of uncertainty about her own assessment of her circumstances because of the effect of the perpetrator's tactics to control her:

*The way I can explain it is, you know if you take your dog for a walk on the lead every day. Then you take the dog out and you take the lead off. It [the dog] doesn't run off and go wild. It turns around and looks at you and says, "Well what do we do now?" We were really scared of the outside world. He [the perpetrator] had put in our heads that people didn't like us, that people wouldn't listen to us. And the first opportunity that the police officer came in [to our home], she didn't like us and didn't listen to us.*

Heulwen

The majority of responses highlighted the levels of control perpetrators had regarding victim-survivors' decision-making. Throughout the help-seeking process, feelings of vulnerability were intensified by the police who in all but one example, were negative

towards the women and did not appear to listen to their concerns about negotiating their safety.

The women spoke of how the complexity of their circumstances increased given the escalating abuse; they also shared how their concerns for their safety affected their ability to cope with the level of decision-making *expected* of them by the police, solicitors and the judiciary. When women decided to change their course of action, they perceived that the police, in particular, were sometimes impatient, coercive and even aggressive if the women's priorities at that point ran counter to the aims of their organisation. The women stated the majority of practitioners they sought help from during this critical period rarely acknowledged the adverse stress women experienced from the perpetrators.

Supporting Holder and Daly (2017), women had multiple justice goals during their help-seeking journeys. The women said that they wanted the police to record the disclosure, hold perpetrators accountable and offer protection, but felt that the police were solely interested in obtaining a criminal conviction. A recurring theme was the tension created by the conflicting priorities of the police and the women. As Heulwen observed:

*...But her [the Police Officer] whole demeanour was aggressive... This is how we [the family] felt. If she were not going to get an arrest out of this... why should she be talking to us?*

*Heulwen*

Heulwen believed that because the female police officer felt she was unable to obtain enough evidence to make an arrest, she was unwilling to listen to Heulwen's story. Like Heulwen, many women expressed faith in the justice system prior to contacting criminal justice agents (Fleury, 2000). However, only one of the women in the current study reported

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3 a positive response by the police. In the remaining cases, the women felt that the police  
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5 response failed to recognise a pattern of coercive control and acknowledge the seriousness  
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7 of the disclosure, all of these women stated they felt even more afraid after contacting the  
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9 police.  
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### 13 14 *A lack of public protection: criminal justice non-feasance* 15 16

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18 Members of the public expect a level of police response proportional to the potential risks  
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20 (HMIC 2014; 2015). The assumption by the women was that all appropriate measures would  
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22 be in place when they were at their most vulnerable. All of the women stated they had  
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24 spent months planning an opportunity to access help, so they were often emotionally  
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26 devastated at the reluctance of police professionals to act decisively when they asked for  
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28 protection.  
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33 There was a sense that criminal justice agents, particularly the police often interpreted  
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35 victim-survivors' decision-making as irrational and repeatedly questioned their actions.  
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37 Because the research team were unable to interview the police officers it was unclear what  
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39 motivated them to act in the way women described, especially given the available practice  
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41 guidance on domestic abuse. Mandy describes her experience of disclosing:  
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45 *I said [to the Police Officer], "I am really concerned about the safety because he [the*  
46  
47 *perpetrator] is so erratic. That he is really nice one minute and the next minute he is*  
48  
49 *horrible. Texting that he is going to kill us... [Mandy and her young son]. He [the*  
50  
51 *Police Officer] didn't even come to the house. Nothing. He didn't want to know, didn't*  
52  
53 *want to take anything formally. So I don't even think there are any formal papers on*  
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55 *it [the abuse incidents]. It was just at the [police station] door. The police officer*  
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3                   *wouldn't even let me go into the police station. It [the disclosure] was just at the door*  
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5                   *of the police station.*  
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Mandy

Mandy's quote above shows symbolically and physically how a police officer responsible for public safety appears to refuse a victim-survivor the opportunity to access available resources. According to the women's narratives, the police did not tell the women whether they had undertaken a risk assessment at any stage, nor were the women given advice on safety planning. The stark realisation that victims-survivors were responsible for their own protection, unless they could demonstrate physical evidence of an assault, was difficult for many women to come to terms with, particularly in the context of increasing coercive control. Even when previous incidents had occurred, which involved the use of physical violence, women felt that officers chose to treat each incident separately, as a single incident, rather than look at the previous pattern of abuse (Paladin et al., 2014; Stark, 2007). As the Home Office (2016) suggests, the level of control a perpetrator exercises helps to provide an accurate indication of the risk of homicide: a finding that is also apparent in domestic homicide reviews (Robinson et al., 2016). Given the escalating coercive and controlling behaviour by the perpetrator, police should have taken action given Mandy's evidence of a text message that recorded a threat to kill (HMIC, 2014).

Women described how the lack of police response led to a sense of injustice, and made women feel that their lives and the lives of their children were not worthy of protection, some women reflected that they felt less valued as citizens. Mandy provided an account of what she had told a police officer, the second time she visited the police station:

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3 *"I am really worried for my safety and my kid's safety. Because he [the perpetrator]*  
4 *has done things to me in the past." He [the Police Officer] said, "Until he [the*  
5 *perpetrator] actually does anything or puts you into hospital there is nothing we can*  
6 *do." [After this response] I got into the car and cried. I didn't know where we [Mandy*  
7 *and her young son] went from there. And that's when my [relation] said, "Right then*  
8 *if they are not going to help you I am going to come up and stay with you." So he*  
9 *came up for Christmas and told my ex-partner that he [the perpetrator] would be*  
10 *leaving and he had to find somewhere to stay. Things [the abuse] then got really bad.*

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23 *Mandy*

24  
25 There were numerous examples of police non-feasance (Stubbs, 2016), where relatives had  
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27 to act to protect the women and their children from further abuse. For example, in three  
28  
29 quarters of the cases there were instances where family members felt they had no choice  
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31 but to move temporarily into the woman's home, thus potentially placing more people at  
32  
33 risk. As Jane stated:  
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37 *I don't know what I would have done. Because I had no money. Five children is a lot*  
38 *to say, "Can I come and stay at your house for a couple of nights?" ...I had to call my*  
39 *Dad to come up [to the house] and stay because I did think he [the perpetrator]*  
40 *would kill me... Luckily my Dad was there because when my ex [the perpetrator] got*  
41 *home he got completely hammered [intoxicated]. My dad actually locked the door*  
42 *and he [the perpetrator] had to sleep in his office. I don't think my Dad slept either.*  
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44 *Then my Dad had to go home. After that is when it [the abuse] was constant. Not*  
45  
46 *letting me sleep...*

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57 *Jane*  
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The comments from Mandy and Jane demonstrate not only an increase in perpetrator dangerousness as knowledge of the abuse moves into more public spheres, but also how families were left to fend for themselves. Given collateral homicides may feature more prominently in intimate partner homicide than other forms of homicide, such under-enforcement increases the propensity for lethal harm (Dobash and Dobash, 2015). Women stated that their fears escalated given the knowledge that they were not able to get help from the police to keep themselves safe.

### *Dignity, respect and equity: the role of procedural justice*

A recurring theme emerged where the women felt that criminal justice professionals, irrespective of their gender, were making decisions on women's behalf, thus denying them agency. With respect to the police, women described examples of sexist stereotyping when they requested help. The women spoke of the limited weight given to their accounts of the abuse, often leading to a decision by the police that women felt increased the likelihood of further harm. All women raised the issue of gender discrimination and gave examples of actions by criminal justice professionals that suggested male perpetrators had more rights and entitlements than female victim-survivors. One example, in particular, highlighted gender discrimination in the courts:

*It was just one man [the Judge]. It was the family court. And we [the women and her female Solicitor] went in there [the courtroom] and my Solicitor was saying [to the Judge], "You can't send this man [the perpetrator] home to her." And he [the Judge]*

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3 was saying, "I am not going to kick a man out of, basically make a man leave his own  
4 home." And I was saying [to the Judge], "Please don't do it [take out a civil order]  
5 then. Please don't do it, he is going to kill me." And he [the Judge] said, "No you  
6 definitely need this. You need this non-molestation order but I am not going to have  
7 him [the perpetrator] out of the family home."  
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15 Jane  
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18 It was common for women to experience what they felt was unfair treatment especially in  
19 relation to male privilege. Jane's quote above is characteristic of both the police and  
20 judiciary's responses to women seeking protection, thus, it was essential to uphold a man's  
21 right to remain in 'his' family home and this was more important than the woman's safety  
22 (Stewart et al., 2013). Women stated that they did not feel that their analysis of the danger  
23 the perpetrator presented to them was taken seriously, as they did not witness the police  
24 formally documenting any information. The women also stated that decisions by the courts  
25 often resulted in unsafe situations in the home, restricting these environments for women  
26 and their children, limiting the ability of victim-survivors to find expanded 'space for action'.  
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40 Jane commented on her experience in court:  
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42 ...And that [non-molestation] order was the worst thing in the world. Having put a  
43 non-molestation order on him [the perpetrator] and him being allowed to enter the  
44 family home... [which resulted] with me not getting any sleep and him [perpetrator]  
45 waking me up. I was sleeping in the hallway at that time because I felt it was the  
46 safest place ...But then that ensued [resulted in?] in him [the perpetrator] coming  
47 past, giving me a good punch and then going to bed.  
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57 Jane  
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Given their experiences with a range of criminal justice practitioners, all but one of the women stated that they were less likely to seek help in similar situations, thus potentially heightening the risk of future harm (Holder, 2001). The women felt that inappropriate sanctions trivialised the long-term victimisation. Holly noted that she would rather preserve the little dignity she had than contact the police again:

*I wouldn't go to them [police] again, never, ever, ever. Even if I was battered black and blue and I was left for dead I still wouldn't go to them.*

Holly

The 12 women's narratives highlighted how when women provided an account of the abuse, they felt that these disclosures were invalidated. Women felt they had been treated unjustly, and with a lack of dignity, especially by the police. This sent a signal to female victim-survivors that the criminal justice system was discriminatory, thus replicating the gender inequalities in society.

In contrast, two women provided examples of an experience of procedural justice where they felt the response had been positive, these instances involved a police officer and a solicitor. The women felt listened to, treated with respect and empathy, and there was a sense that they were empowered by the interactions. One woman, Alison, who had a learning disability and mental health issues, talked about her solicitor's positive response. Alison described how the solicitor's behaviour facilitated informed choice:

*He [the male Solicitor] listens to me and he doesn't make any judgement. He doesn't look at you and say, "No it is all in your head." I find him very professional. Very caring and he just listens to what you want to do and how you want to do it. Instead of being told... He is there to help you but he gives you information and lets you take the lead, which is really good because it is a way of making you feel safe. Also makes*

*Alison*

## Discussion and conclusion

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previous findings and suggests that the police do not always act in accordance with guidance when women provide an assessment of the dangerousness of perpetrators. The women initially contacted the police to seek protection from harm, but they felt the police were only interested in taking action if the women presented them with evidence of a physical assault. The police, members of the judiciary and the solicitors involved in these cases were not available to give their perspective, thus it is not possible to ascertain whether the disinclination to take action on the part of the police, was due to resource issues, a limited understanding about the significance of the information the women provided, and/or sexist stereotyping and gender discrimination (Meyer, 2016).

In addition, the findings suggested a lack of recognition by many of the criminal justice professionals about the effect of coercive control on the women’s decision-making. As the abuse worsened, the failure by the police to respond to coercive control as pattern of behaviours, in particular, was re-traumatising and only served to act as a deterrent to help-seeking.

Elements of procedural justice associated with a positive experience, such as examples of fair, dignified and respectful treatment by the police and the judiciary were largely absent from the accounts given by women. The women’s experiences of help-seeking indicate both the police and members of the judiciary may benefit from more in-depth training to ensure the procedural elements of engaging with justice mechanisms promotes fair treatment and equality of opportunity for all victim-survivors seeking help.

There were two examples where positive affirmation by criminal justice professionals (a solicitor and a police officer), helped the victim-survivors situate the wrongdoing with the perpetrator rather than harbouring feelings of self-recrimination. However, one of these

women asserted that victim-survivors should not have to feel grateful when they receive a service to which they are entitled.

The research findings demonstrate non-feasance, whereby women actively seeking protection felt they experienced additional harm as a direct consequence of their engagement with the criminal justice system. Furthermore, where police support was absent or insufficient, family members offered protection, thus compounding the women's concerns, by making them fearful for the safety of their immediate and extended families.

Feeling 'under-protected' by the police, and in some instances, the courts, eroded the women's confidence in the criminal justice system and undermined police legitimacy, thus reducing the likelihood of further engagement. An analysis of the lived experiences of victim-survivors suggests a gap, or possibly a chasm exists, within criminal justice settings between organisational everyday realities and normative ideals. Criminal Justice responses resulting in nonfeasance test the sincerity of claims that there is a genuine commitment to tackling domestic abuse. Failing to provide adequate protection for women inevitably raises questions regarding police complacency and integrity.

In this regard, supporting Stubbs (2016), police integrity needs to be understood in its broadest sense; as a faithful adherence to conduct that prioritises equality and fair treatment commensurate with the principles of procedural justice. However, this notion of integrity feeds into a discourse that emphasises a rights-based approach to policing which is somewhat problematical. Indeed Stubbs (2016) notes, this approach legitimises the police and encourages compliance with the law, yet as our study shows, there may be coercive elements to policing domestic abuse, whereby actions may be driven by organisational targets without due consideration for the rights of female victim-survivors.

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The criminalisation of coercive or controlling behaviour presents potential opportunities for women to seek a prosecution when experiencing this form of abuse. The new offence signifies a shift away from framing domestic abuse as a discrete incident involving a physical assault, and supporting guidance highlights recognition of some of the complexities of the dynamics. The implementation of section 76 of the Act is highly contingent upon the police identifying, recording and responding appropriately to signs of coercive or controlling behaviour. To date, implementation of section 76 of the Act appears to have been problematic, with only 16% of all 156 recorded cases resulting in a conviction (Barlow et al., 2018).

In conclusion, this qualitative study indicates that within Dyfed-Powys there is a need for more intensive training to improve the quality of the criminal justice response, particularly from the police, with respect to improving public protection measures and understanding the nature and consequences of coercive control. Furthermore, if women are to successfully engage with the criminal justice system and receive the response they need to feel safe, particularly if they are at high-risk of harm, then a transformative change is called for within both the police and judiciary. Given the barriers the women in this study have encountered, it is questionable whether the new offence alone will be effective in increasing women's chances of legal protection. Therefore, whilst knowledge of domestic abuse as a concept has shifted significantly within policy spheres, it appears that for the 12 female victim-survivors living in Dyfed-Powys that effective responses to tackling domestic abuse have yet to be fully realised within criminal justice settings.

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